

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESUS FERNANDEZ,  
Plaintiff,

v.

SUPERINTENDENT, Downstate Correctional  
Facility, and MARIA BADAMI, Physician's  
Assistant,  
Defendants.  
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**ORDER**

20 CV 10287 (VB)

Copies Mailed/Faxed 9/20/21  
Chambers of Vincent L. Briccetti

On August 10, 2021, defendant Robert Morton sued herein as "Superintendent" filed a motion to dismiss. (Doc. #24). Defendant served a copy of the motion and all supporting papers on plaintiff, who is proceeding pro se and in forma pauperis, via regular mail. (See Doc. #24-1).

Plaintiff's opposition to defendant's motion was due August 27, 2021. See Fed. R. Civ. P. 6(d); Local Civil Rule 6.1(b). To date, no opposition has been filed.

Accordingly, it is HEREBY ORDERED:

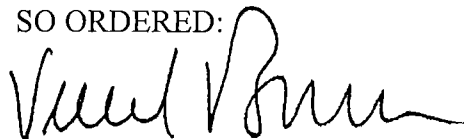
1. The Court sua sponte extends plaintiff's time to oppose the pending motion to dismiss to **October 12, 2021**. Defendant Superintendent's reply, if any, is due **October 19, 2021**.
2. **If plaintiff fails to respond to the motion by October 12, 2021, the motion will be deemed fully submitted and unopposed.**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: September 20, 2021  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge